

MINUTES
Montana Fish, Wildlife & Parks Commission Meeting
Helena FWP Headquarters – 1420 East 6th Avenue
Helena, MT 59263
DECEMBER 8, 2005

Commission Members Present: Steve Doherty, Chairman; Tim Mulligan, Vice-Chairman; Shane Colton; John Brenden; Vic Workman.

Fish, Wildlife & Parks Staff Present: Jeff Hagener, Director and FWP Staff

Guests: See December 8, 2005 Commission file folder.

Topics of Discussion:

1. Opening - Pledge of Allegiance
2. Approval of November 3, 2005 Commission Minutes
3. Approval of November 8, 2005 Conference Call Minutes
4. Approval of Commission Expenses through November 30, 2005
5. Recognition Award to Ron Aasheim for 30 Years of Service to FWP
6. Recognition Award to Brian Giddings for 20 Years of Service to FWP
7. 2006 Annual Commission Meeting Schedule – Final
8. Commercial Use Administrative Rules for FWP Lands and Waters:
Timeline – Informational
9. Proposed ARM for Annual Lottery of Hunting Licenses – Tentative
10. Fort Benton Agricultural Museum Disposal - Final
11. MT Haggin & Fleecer WMA – Duhamme Acquisition – Final
12. North Swan Valley Conservation Easement Acquisition – Final
13. Biennial Big Game Rules - Tentative
14. Establish a 5-Week Season – Informational
15. 2007 General Hunting Season Dates – Informational
16. Chronic Wasting Disease Carcass Transportation Rule – Tentative
17. 2006 Deer, Elk & Lion Seasons/HD Bounds – Tentative
18. Establish a Maximum Number of 5 Antlerless Deer Licenses and 2
Doe/Fawn Antelope Licenses That Can Be Purchased Per Hunter Per
License Year – Tentative
19. Revise Trophy Elk Definition for Restitution Purposes – Tentative
20. 2006 & 2007 Moose, Sheep, Goat and Antelope Seasons, Quotas and
Boundaries - Tentative
21. 2007 Black Bear Seasons, Quotas & HD Boundaries - Tentative
22. Spring and Fall Turkey Seasons - Tentative
23. 2005 Game Damage Permit Authorizations - Tentative
24. 2006-2007 Biennial Prairie Dog Shooting Rule – Tentative
25. Blue Eyed Nellie WMA – North Lily Mining Property - Endorsement
26. Public Opportunity to Address Issues Not Discussed at this Meeting

1. Opening - Pledge of Allegiance. Chairman Doherty called the meeting to order at 8:00 a.m. and led the Pledge of Allegiance.

2. Approval of November 3, 2005 Commission Minutes.

Action: Brenden moved and Workman seconded the motion to approve the minutes of the November 3, 2005 Commission meeting. Motion carried.

3. Approval of November 8, 2005 Commission Conference Call Minutes.

Action: Mulligan moved and Workman seconded the motion to approve the minutes of the November 8, 2005 Commission conference call meeting. Motion carried

4. Approval of Commission Expenses through November 30, 2005.

Action: Colton moved and Workman seconded the motion to approve the Commission expenses as presented. Motion carried.

5. Recognition Award to Ron Aasheim for 30 Years of Service to FWP. Jeff Hagener, FWP Director, congratulated Ron Aasheim on his 30 years of dedicated service to Fish, Wildlife & Parks. Hagener commended him for his professionalism, and spoke to his many accomplishments, including the fact that the Conservation Education Division had earned national acclaim for *Montana Outdoors Magazine*, and for the videos *No Need for a Saturday Night* and *Owning Eden*. Aasheim has established open communications with the media and the public, and has resolved that FWP will be the first source of news whether it is good or bad. Hagener thanked Aasheim and presented him with a Montana Silversmith belt buckle.

6. Recognition Award to Brian Giddings for 20 Years of Service to FWP. Jeff Hagener, FWP Director, expressed appreciation to Brian Giddings for his 20 years of distinguished service to Fish, Wildlife & Parks. Hagener acknowledged Giddings' for some of his many accomplishments, beginning with his undergraduate studies at the University of Montana and his graduate work at Montana State University. Hagener thanked Giddings for his hard work and presented him with a Montana Silversmith belt buckle.

7. 2006 Annual Commission Meeting Schedule – Final. Following discussion on timelines crucial to wildlife issues, timelines for printing hunting regulations, and the availability of the Commissioners, the 2006 Commission schedule was set. The January meeting is scheduled for January 18, and the February meeting is scheduled for February 21, both in Helena.

Action: Colton moved and Mulligan seconded the motion to approve the 2006 Annual Commission Meeting Schedule. Motion carried.

8. Commercial Use Administrative Rules for FWP Lands and Waters: Timeline – Informational. Sue Daly, FWP Chief of Finance, explained that a draft timeline has been developed for establishing administrative rules for governing commercial use on land and water under the control, administration and jurisdiction of FWP. Commercial use of land and water is complex, and has challenged the Department for some time. The rules must be comprehensive, yet flexible, and there must be sufficient infrastructure in place to administer any programs that result from the rules.

Charlie Sperry, FWP River Recreation Specialist, said emphasis on public involvement is key to establishing the rules. The scoping process will involve public meetings, news releases, and the FWP web site to solicit the public's concerns and ideas. Existing rules and policies will also be identified and examined.

After summary and analysis of the public's initial comments, draft administrative rules will be developed and presented to the Commission for review. Following any revisions, the proposed rules will then be disseminated to the public once again, and public hearings will be held in each region. Additional meetings will be held if necessary. Hopefully, a final decision on the rules will be made in the fall of 2006.

Mulligan asked if the rules will apply "across the board on FWP property". Sperry replied that question will be addressed as part of the scoping process. At this point, the plan is to keep the rules comprehensive by covering parks, fishing access sites, WMAs, and waters managed by FWP. Sperry said that although these rules are for FWP, other governmental agencies will be consulted with throughout the process.

Sperry stated that a press release has been drafted, and once the Commission endorses the public involvement process, the press release will go out. Hagener noted that this scoping process is designed to obtain ideas and get the feel of the public's opinions.

Action: Mulligan moved and Colton seconded the motion to develop commercial use rules for land and water under the control, administration, and jurisdiction of FWP using the outlined process. Motion carried.

9. Proposed ARM for Annual Lottery of Hunting Licenses – Tentative. Sue Daly, FWP Chief of Finance, explained that HB235, passed during the 2005 legislative session, directed FWP to issue, through a lottery process, one license each year for deer, elk, moose, sheep and goat. HB235 also directs that rules be established regarding the conduct of the lottery, the price of the lottery tickets, and the use of the licenses. Hagener said the intent of this legislation was to develop another source of funding for the Block Management program.

Hank Worsch, FWP License Bureau Chief, explained that this proposal is for a lottery with unlimited chances at \$5 each, to be sold strictly through the ALS system. Applicants must possess a conservation license to be eligible. License agents will receive a \$.50 commission for each chance sold per species. (Example: if someone purchases 5 Moose, 5 Sheep, and 1 Elk ticket, the license agent receives \$1.50 commission). There will be a convenience fee charged for those purchasing with credit cards through the Internet. The lottery will be held two to three weeks following the drawing of the particular desired species. The winning lottery license will be good in any hunting district in accordance with that district's specific regulations. If the same person draws both the Supertag and a tag in the same species, that person must surrender the license before receiving the Supertag. The tag is non-transferable.

Brenden said the \$.50 commission should be paid on a *per ticket sold* basis, rather than *per species sold*. Vendors might sell more tickets if they receive \$.50 per chance as opposed to per purchase. Mulligan asked if the statute stipulates the price, to which Worsch replied it did not.

Doherty asked if there is a projected number of licenses that would be sold. Hagener said since this is a new process, the Department doesn't know what to expect; there is no projection. The total fiscal note came to \$746,000. Doherty asked if there was an estimated cost to the Department. Worsech said that in looking at the systems used by Idaho and Washington, the estimated cost to conduct the drawing manually, as Idaho does, would cost approximately \$23,000. Conducting the drawing electronically as Washington does should cost less.

Action: Brenden moved and Workman seconded the motion that the license agents selling the lottery tickets receive \$.50 per ticket rather than \$.50 per transaction.

Workman asked if there is a plan for advertisement of this lottery. Worsech said the plan is not finalized, however there will be press releases, notices on the FWP website, and informative contacts with wildlife organizations. **Ron Aasheim, FWP Communications and Education Division Administrator**, said there will be a formal outreach plan, and the Department will market the lottery aggressively.

Colton asked what determined the \$.50 commission, and asked if there was any other way to purchase a chance other than through the Internet or a license agent. Worsech said there is no other way to purchase a lottery chance, and after discussing various options, the Department settled on the \$.50 commission to the license agents.

Colton asked Bob Lane, FWP Attorney, if the Department has the authority to decide what a "transaction" is. Lane said FWP has the latitude to decide what a transaction is, and has the authority to charge \$.50 cents per transaction. He said a transaction could be set as any number of chances or as a group of chances. Colton was concerned that once the Department pays the license agents \$.50 per transaction, that decision cannot be reversed. He would like to see it done as proposed for a year, and then reevaluate it. Doherty does not want to see a reduction in revenue to the Department. Hagener said the Commission can also set the prices of the license if they wish. He added that this is an exclusive tag and there has been a great deal of interest expressed.

Action on Motion: Motion tied. Brenden and Workman in favor – Colton and Doherty opposed. Mulligan abstained from voting as he felt it would be a conflict of interest for him to vote since he is a license agent in Whitehall.

Action: Workman moved and Brenden seconded the motion to approve the proposed tentative Supertag Rule as recommended by the Department and to begin the rulemaking process beginning with public comment.

Mulligan suggested talking to the Montana Lottery for ideas and advice. He suggested offering some type of an incentive to the clerks who sell the most chances.

Workman asked if there are any other avenues through which chances could be sold, such as county fairs or banquets? Worsech said something like that could be offered if an ALS device was available, but sales must be automated.

One member of the audience supported paying \$.50 per ticket, and another suggested the money go toward biologists for their work, however he was reminded the money is designated for block management only.

Action on Motion: Motion carried.

10. Fort Benton Agricultural Museum Disposal – Final. Glenn Erickson, FWP Field Service Division Administrator, explained that in 1985, the legislature passed a statute with an appropriation for \$250,000 for FWP to acquire 3.69 acres and a vacant industrial building in Fort Benton for the Montana Agriculture Center and Museum of the Northern Great Plains. The property was purchased and developed into a museum and heritage center. It has been leased to the City of Fort Benton or the River and Plains Society, a private non-profit organization, for the last twenty years. The 2005 legislature passed HB564, which authorized FWP to sell the property to a qualified local government entity at a less than fair market value if it remains an agricultural center. The legislation specified that the state will reclaim ownership of the property if it ceases to be used as an agricultural center and museum. The State feels that by selling the property, its management will be streamlined. One additional stipulation was that River and Plains Society pay the taxes, and they have done so.

Action: Brenden moved and Colton seconded the motion to approve disposal of the Montana Agricultural Museum property in Fort Benton, to the City of Fort Benton, provided that the River and Plains Society reimburses the Department for our property expenses prior to closing. Motion carried.

11. MT Haggin & Fleecer WMA – Duhamme Acquisition – Final. Glenn Erickson, FWP Field Service Division Administrator, said the Greenway Service District of Butte applied to the Montana Department of Justice's Upper Clark Fork Basin Restoration Program for a \$1.6 million dollar grant to acquire 1,745 acres of land adjacent to Mount Haggin and Fleecer WMAs. The grant includes \$155,979 to cover FWP costs for surveying, fencing, and weed control for five years. The land is owned by the Duhamme Brothers, and is located in Silverbow County.

The Trustee Restoration Council reviewed the proposal, and recommended proceeding with formal public review. Since then, the hearing held in Butte was attended by 24 people, 43 people submitted comments of support, and petitions of support were also signed by 393 people. Sportsmen's clubs in the area are in support and believe it would be an asset.

Mulligan stated that this land is a good piece of property and would fit in well with the WMA. This project has gone through a long and arduous process.

Debby Dils, FWP Land Agent, said the Trustee Restoration Council will present final funding recommendations to the Governor, who will then make the final decision.

Action: Mulligan moved and Colton seconded the motion to accept title to the Duhamme property subject to the requirements specified in the NRDP Trustee Restoration Council funding recommendation and Governor Schweitzer's approval. Motion carried.

12. North Swan Valley Conservation Easement Acquisition – Final. **Glenn Erickson, FWP Field Service Division Administrator**, said this proposal is to purchase a conservation easement of 7,200 acres, and fee title on up to 3,680 acres of Plum Creek Timberlands. It is high value property due to its riparian habitat, wetlands and forests, and if not purchased by FWP, will likely be sold for development. FWP received approval to pursue the conservation easement in April of 2004, and received approval to pursue the fee title portion in September of 2005.

The cost of acquiring the 10,880 acres is between \$27 and \$30 million dollars. The primary funding source would be the Forest Legacy Program, administered by the US Forest Service, who would provide approximately 75% of the total cost. FWP would pay taxes on the fee title land as is customarily done.

Public meetings have been held, and the comment period on the environmental assessment generated mostly supportive comments. Some comments were concerned that fee title lands might end up in the ownership of the federal government, and some were concerned about the management of timber on the property.

Brenden asked what the logging status would be if FWP does purchase this acreage. **Jim Williams, FWP Region 1 Wildlife Manager**, said most parcels have been managed to some degree, and there is active management there right now. FWP's vision is to exchange or sell them to DNRC, or another state or local government entity, with protective stipulations.

Action: Workman moved and Mulligan seconded the motion to approve the proposed North Swan Valley Conservation Project, thereby authorizing FWP to purchase a conservation easement on approximately 7,200 acres, and authorizing FWP to purchase in fee title up to 3,680 acres of Plum Creek Timber land, all as funding allows, as proposed in the Department's ROD of November 15, 2005.

Lee Carlhom, Augusta, asked if the land could be turned over to the USFS for logging, and if this acquisition will displace any outfitters. Erickson replied the land could only be sold or exchanged to DNRC or another state or local government entity, and Jim Williams said there are no leases there.

Action on Motion: Motion carried. Four in favor – one opposed (Brenden).

13. Biennial Big Game Rules – Tentative. **Jeff Herbert, FWP Wildlife Division Assistant Administrator**, and **Gary Hammond, FWP Management Bureau Chief**, presented the wildlife proposals.

The proposed biennial big game rule is intended to replace the annual season setting schedule for deer, elk and antelope, with a biennial schedule. This would not prohibit the Commission from adjusting the season structure if significant changes in populations occur or if population parameters need adjusted. All other species seasons are under the biennial season setting schedule; this rule would make them all consistent. This process will result in a more predictable and consistent season structure. The recommendation is to adopt the season dates and structures for the 2006-2007 season and 2007-2008 seasons.

Herbert said if the Commission adopts these tentative recommendations, public comment will then be solicited in January and February. The Commission would finalize the recommendations in February. More than thirty public meetings are scheduled, and comments will be accepted via mail and e-mail. After final action, public comments are also accepted.

Mulligan asked if the Commission can change the numbers, if necessary, from liberal to standard under the biennial structure. Herbert replied that they can. He added that the Department is attempting to stay ahead a year or two, so dates for the next biennium may need to be set next year. Quotas will still be established annually.

Action: Mulligan moved and Brenden seconded the motion to approve biennial season setting for deer, elk, and antelope. Motion carried.

14. Establish a 5-Week Season – Informational. Gary Hammond provided a bit of background information. In the 1960s, there were either-sex 5-week general seasons with liberal formats in most of Montana. It was a very effective way to manage elk populations. In the early 1970s there was a great deer decline. The public demanded more elk so the format was changed to a 5-week season with antlerless permits. Elk populations increased. In 1992, the first Elk Plan was written that established objectives that required changes in management actions when objective were not being met. The Department fell short of how liberal those seasons needed to be to control elk populations, so increased antlerless quotas over and over again. The game damage hunt was expanded, so essentially all that was done is to roll them into the general season format.

In 1992, population objectives were monitored. The numbers continued to increase and private land depredation complaints also increased. More and more game damage situations were addressed through customized seasons, resulting in complex and confusing seasons, and layer upon layer of early/late dates. In 2002, the Elk Plan was rewritten, realizing that the liberal season package was not liberal enough. FWP wanted the general season to be liberal enough to reduce the numbers, so in December of 2003, the general season went to the liberal season. Benchmarks were built in to limit the antlerless harvests. FWP also wanted to be consistent with ARM and Statute. They state very clearly that the basis of elk management is through the general season. Damage hunts are not intended to address population management, but to address animals specifically causing problems. FWP is in the process of streamlining game damage hunts by separating them from the general season. There will still be early and late seasons in some specific cases.

15. 2007 General Hunting Season Dates – Informational.

General Season Dates for 2007 - These are general framework dates and therefore may vary at the Hunting District level based on specific Department recommendations and Commission action.

BIG GAME

Antelope 900 Series	Aug 15 – Nov 11, 2007
Antelope Archery	Sept 1 – Oct 13, 2007
Antelope General	Oct 14 – Nov 11, 2007
Deer & Elk Archery	Sept 1 – Oct 14, 2007
Deer & Elk Backcountry (HD's 150, 151, 280 & 316)	Sept 15 – Nov 25, 2007
Deer & Elk General	Oct 22 – Nov 25, 2007
Bighorn Sheep	Sept 15 – Nov 25, 2007
Bison	Nov 15, 2007 – Feb 15, 2008
Black Bear – Spring	Apr 15 – May 31, 2007
Black Bear – Fall	Sept 15 – Nov 25, 2007
Moose	Sept 15 – Nov 25, 2007
Mountain Goat	Sept 15 – Nov 25, 2007
Mountain Lion – Fall	Oct 22 – Nov 25, 2007
Mountain Lion – Winter	Dec 1, 2007 – Apr 14, 2008

UPLAND GAME BIRDS

Mountain Grouse	Sept 1 – Dec 15, 2007
Partridge	Sept 1, 2007 – Jan 1, 2008
Pheasant	Oct 13, 2007 – Jan 1, 2008
Sage Grouse	Sept 1 – Nov 1, 2007
Sharp-tailed Grouse	Sept 1, 2007 – Jan 1, 2008
Turkey – Spring	Apr 7 – May 20, 2007
Turkey – Fall	Sept 1, 2007 – Jan 1, 2008

The Commission currently uses a biennial season (2-year) setting process to establish Moose, Bighorn Sheep, Mountain Goat, Black Bear, and Mountain Lion hunting regulations (specific dates and regulation type). Quotas are modified annually when appropriate. If the Commission adopts a biennial season setting schedule for Deer, Elk and Antelope then all Big Game regulations will be established for a 2-year period. Therefore the Commission will be adopting the specific hunting regulations (dates and regulation type by hunting district) for all big game species for the 2006 and 2007 hunting seasons.

Action: Workman moved and Mulligan seconded the motion to approve the 2007 Hunting Season Dates as recommended by the Department. Motion carried

16. Chronic Wasting Disease (CWD) Carcass Transportation Rule - Tentative. Tim Feldner, FWP Wildlife Permit Manager, said fourteen states and two Canadian provinces have had documented occurrences of CWD. Montana wants to implement preventative measures. Recently, it was discovered that moose also contract CWD. Enforcement will be difficult. Proper disposal has been an issue - at this point, incineration is the chosen method. Evidence of the animal's sex has to be physically attached.

The rule reads:

It shall be unlawful to transport into Montana the whole carcass or carcass parts of white-tailed deer, mule deer, or elk from areas within states or provinces with documented occurrences of CWD in wild populations and from private game farms in those states and provinces except for the following portions of the carcass:

1. Meat that is cut and wrapped either commercially or privately
2. Quarters or other portions of meat with no part of the spinal column or head attached
3. Meat that has been boned out
4. Hides with no heads attached
5. Clean (no meat or tissue attached) skull plates with antlers attached
6. Antlers with no meat or tissue attached
7. Upper canine teeth, also known as “buglers”, “whistlers”, or “ivories
8. Finished head, partial body or whole body mounts already prepared by a taxidermist

Action: Mulligan moved and Workman seconded the motion to approve the CWD Carcass Transportation Rule as recommended by the Department. Motion carried.

17. 2006 Deer, Elk & Lion Seasons/HD Bounds – Tentative. (Specific proposals and changes are filed in the December Commission file folder).

Deer, Elk and Lion Hunting District Boundary Changes

Hammond said HD388 is a new weapons restriction area that affects 4 other hunting districts, and HD283 is separating off the Rattlesnake Wilderness. In HD309 FWP is taking some out of the weapons restriction area.

Action: Workman moved and Mulligan seconded the motion to approve the Department's recommendations. Motion carried.

DEER

Region 1 - Deer

Several recommended changes to the existing regulations. (LPT001-10, HDs 100-00, 101-00, 102-00, 103-00, 104-00, 109-00, 110-00, 120-00, 121-00, 122-00, 123-00, 124-00, 130-00, 132-00, LPT170-10, HDs 100-01, 104-01, 121-01, 122-01, 123-01, Region-Wide to change from first 2 weeks and last 4 days either-sex for WTD to first 2 weeks either sex and remainder of season antlered buck).

Action: Workman moved and Colton seconded the motion to approve the Region 1 tentative Deer regulations as recommended by the Department. Motion carried.

Region 2 - Deer

White-tailed Deer

Ten recommended changes to the existing regulations. (LPTs 002-10, 260-10, 260-60, 203-00, 204-00, 210-00, 215-00, 240-00, 261-00, 283-00).

Mule Deer

Five recommended changes to the exiting regulations. (HDs 204-00, 281-01, 283-01, 285-02).

Action: Workman moved and Mulligan seconded the motion to approve the Region 2 tentative Deer regulations as recommended by the Department.

Mulligan asked why the exceptions to using single district antlerless tags in HDs 260, 282, 284, 290. **Bob Henderson, FWP Region 2 Wildlife Biologist**, explained that those are special weapons areas, mostly archery only, and they have multiple B licenses in them for white-tailed deer already. This proposal is an extension to go through the general rifle season.

Mulligan asked if the single district antlerless tags in Region 3 are excluded from use in weapons restricted areas. **Kurt Alt, FWP Region 3 Wildlife Manager**, said no. Henderson said if it is done in another region it probably isn't a big issue, but archery equipment would still be required. Mulligan stated that consistency is nice. Mulligan would like to see the exclusions removed.

Action on Motion: Motion carried.

Region 3 - Deer

Recommended changes: (HD309, 003-10, LPTs 315-00, 320-10, 333-10, 340-10, 320-00, 333-00, 340-00, 331-00, 339-01, 380-02, 380-00, HD388). HD388 is a new HD created by combining portions of HDs 335, 339, 343 and 380. A large part of this new district is a weapons restriction area with long seasons and no archery season.

Action: Mulligan moved and Brenden seconded the motion to approve the Region 3 tentative Deer regulations as recommended by the Department. Motion carried.

Region 4 - Deer

Seven recommended changes to the existing regulations. (HD404 & 450, HD417, LPT404-10, HD410-00, HD417-00, LPT499-00, LPT418-00).

Action: Doherty moved and Workman seconded the motion to approve the Region 4 tentative Deer regulations as recommended by the Department. Motion carried.

Region 5 - Deer

Two recommended changes to the existing regulations. (LPT511-00, and LPT597-00, 598-00, 599-00).

Action: Colton moved and Brenden seconded the motion to approve the Region 5 tentative Deer regulations as recommended by the Department. Motion carried.

Region 6 & 7 - Deer

No recommended changes to the existing regulations.

Action: Brenden moved and Colton seconded the motion to approve the Regions 6 and 7 tentative Deer regulations as recommended by the Department. Motion carried.

ELK

Region 1 – Elk

Seven recommended changes to the existing regulations. (LPTs109-00, 121-01, 121-02, 110-00, 130-00, 140-00, and HDs 132 & 170). Hammond said this region consists of primarily public lands, and the proposed recommendations are to make it as consistent as possible.

Action: Workman moved and Brenden seconded the motion to approve the Region 1 tentative Elk regulations as recommended by the Department.

Discussion: (Includes the 5-week season proposal).

Comments from the audience:

Lee Carllbom – outfits in HD150. Asked if there is only a 5-week season there. Hammond said he would not be affected.

Tony Schoonen, Public Land Access Association – opposed to outside seasons, supports the 5 week season.

Mac Minard, MOGA – supports the Department’s desire to attain management objectives. The Administrative Rule that governs season extensions limits flexibility of management to population highs. They would like a companion effort attached for streamlining extensions. Minard said the criteria in the extension language is vague and needs to be more specific.

Herbert said the ARM rule sets forth criteria that must be met. It is typically focused on mild seasons where management objectives are not achieved. Herbert said the Commission has the authority to close the season if too many animals are taken. Customized seasons have not accomplished the objectives.

Larry Copenhaver, MWF – urged the Commission to look this over well; MWF will. Supports separating the game damage seasons from the general season.

Leroy Mehring, Skyline Sportsmen’s Association – Endorses the 5 week proposal. .

Lorry Thomas, Anaconda Sportsmen’s Club – supports the proposal.

Bill Berg, CMR Assistant Refuge Manager – explained that the youth season opens prior to big game opener. It creates a special opportunity for youth to have a high quality hunt in the Breaks. A 5-week season would eliminate this opportunity. He feels there are solutions to the youth interference issue.

Hammond clarified that in those districts, the proposal was only to eliminate the 3-day early opener for the youth hunt. The youth hunt would still exist during the general 5-week season.

Colton said he is concerned about the youth now competing for the 25 permits on the CMR. He would like to keep the early 3-day opener for the 12-14 year old youth in Region 6.

Steve Thomschin, Upper and Lower Shields Watershed Groups – they are not sold on the 5-week season. Their population is expanding and they have a wide variety of landownership, but are making progress on opening gates. Suggests better clarification of what constitutes a damage hunt. If the animals aren’t down out of the mountains, they cannot be harvested - people don’t want to walk in to get them.

John McDunn – every year more and more access is taken away. Landowners who close their land have that right, but they should not be able to hunt the bulls and then complain about the excess animals and game damage. Some landowners keep the bulls on their land and then in the late season they want late season hunts.

Bill Effinger - it is a privilege to hunt in Montana and he will comply with whatever laws are set. He said it is an ongoing problem to obtain access to land. Encouraged the Commission to address access and retrieval of game.

Mulligan said some of the specially arranged hunts don't work to manage numbers and have actually aggravated situations. He is convinced this change will result in better harvest. Many landowners support it. Landowners who close their ground are reducing the harvest even with the late harvest. Allowing "designer seasons" has encouraged more and more landowners to close land during the general season and then expect cow hunts after the season. He said a more streamlined damage hunt process is needed. Access to qualify for game damage needs to be clarified, including how much is enough - it will be key to the success of the new Elk Management Plan. There is no attempt to cause grief to landowners. For the ranchers making a living on their grass, making the right decisions for access is imperative. Adding late seasons and special seasons has been an incipient process without proper public comment. While each individual case may have seemed to make sense, the cumulative effect has been to increase areas closed during the general season, increasing private refuges, subsequently resulting in increased elk populations that then cause increasing problems for surrounding landowners. Data shows that the late seasons and "designer seasons" are not working to control elk numbers. The 5-week concept versus the concept of trying to harvest cows in early and late seasons needs to be provided to the public for statewide discussion.

Brenden said the Department must have flexibility for damage hunts based on weather and natural disaster etc. Access is an ongoing problem and there are sides of the issue that may never see compromise. Outfitting and guiding sometimes supports those landowners who cannot make it on the land. The Department must have adaptability to be able to manage the numbers when necessary.

Action on motion: Motion carried.

Region 2 – Elk

Twenty-six recommended changes to the existing regulations. (HDs 202-01, 204-70, 204-71, 210-00, 210-01 & 210-02 & 210-03, 213-00, 213-01 & 213-02 & 213-80, 215-02, 216-02, 204 & 240 & 261, 240-70, 240-71, 250, 250-71, 261-70, 261-71, 270, 280-00, 283-02, 285-20, 285-21, 291-01, 292-80, 293-01, 299-70). Region 2 is complex but FWP is attempting to simplify that situation.

Action: Workman moved and Mulligan seconded the motion to approve the Region 2 tentative Elk regulations as recommended by the Department. Motion carried.

Region 3 – Elk

Nine proposed changes to the existing regulations. (HDs 310, 335, 343, 350/370, 360/362, 380, 390, 388).

Action: Mulligan moved and Workman seconded the motion to approve the Region 3 tentative Elk regulations as recommended by the Department.

Steve Thomschin, Upper and Lower Shields Watershed Groups – desires brow tine bulls in HD315.

Kurt Alt, FWP Region 3 Wildlife Manager, said there are already several places in Region 3 for any-bull hunting in the Big Hole, Shields and Yellowstone areas.

Action on Motion: Motion carried.

Region 4 – Elk

Eight recommended changes to the existing regulations. (HDs 004-80, 498-80, 411 & 511 & 530, 416, 446, 449 & 452, and LPT410-00, LPT410-80).

Action: Doherty moved and Colton seconded the motion to approve the Region 4 tentative Elk regulations as recommended by the Department. Motion carried.

Mulligan requested information about HDs 421 and 423, which were threatening to go to antlerless only, and HD422, which was going to be a late hunt. Hammond said those were originally for discussion only, but the decision was made to remove them so they would not be viewed as a threat. Since the season was liberalized, the elk may be harvested in Region 2 prior to wintering in Region 4, making it a non-issue.

Mulligan asked the rhetorical question why “we have too many elk”, and yet the Sun River Game Preserve/Refuge has a hunting season with minimal to no hunting allowed, and there is no elk hunting on the adjoining WMA. He asked why there is still a preserve when there are more elk than it can handle. He would like an explanation one day soon.

Colton said that HD410 is a trophy bull area with a once in a lifetime tag. He has received feedback that the chances of seeing a large bull has been marginalized by the general youth hunt. He is not against the youth hunt, but there are other opportunities for youth.

Mulligan said it is antlerless area only with 1,200 permits. The feedback he has received tells him there are too many people in there. Colton agreed there are too many people there, and stated that the hunters who draw a once in a lifetime either-sex tag have to contend with many people when searching for a trophy bull.

Hammond said in HDs 410-00 and 410-80, one of the regional proposals was to reduce the antlerless permits from 1,200 to 600, but then issue 600 A9/B12 licenses specific to this district, not valid on the CMR. That would reduce the number of hunters. Colton said there still is the general youth hunt, and there is a lot more to that area than the CMR. He is not against youth hunting, but reiterated that there are other opportunities for youth.

Mulligan said he supports the youth general season in restricted areas, but wants to hear the public’s opinion of youth in those restricted areas. He received a lot of feedback that there was a problem this year.

Action: Colton moved and Mulligan seconded the motion to modify the Region 4 regulations so that the general elk license for the general season for youth aged 12-14 does not become valid until after the second weekend in November (two weeks after the season begins) beginning on a Monday in HD410 and HD417.

Bill Berg, CMR Refuge Assistant Manager – said even though CMR only make up less than 20 percent of HD 410, it accounts for about 40 percent of the harvest of elk in 410. They see a significant amount of pressure. They get a lot of the same feedback. He feels that it was a combination of the high number of antlerless tags and stacking the youth tags on top of that. Usually when one person has a tag, he brings additional hunters along with him, compounding the problem. A possibility for addressing the problem is to issue 600 tags this coming fall valid district-wide then use the A9 tags to address some of the elk populations outside the refuge. Another possibility to address the youth tag is to designate a certain number of the antlerless tags just for youth aged 12-14, creating a new LPT. That might address concerns about interference with the trophy hunt.

Graham Taylor, FWP Region 4 Wildlife Manager, said he has heard comments that 1,200 permits is a lot. He said there is a similar situation in Sweetgrass Hills in HD401 where elk hunting is permit-only, and there is a youth hunt there. They have heard similar comments and questions asking if that is appropriate in a permit-only hunting district. He suggested eliminating youth hunts in those districts where hunting is limited to permit-only hunting.

Action on Motion: Colton withdrew his motion.

Action: Colton moved and Mulligan seconded the motion that the youth hunt be abolished in Region 4 in those areas that are permit only for either sex antlerless elk, with the caveat that the quota in HD410-00 available for youth hunters aged 12-14 be increased, and create a permitted opportunity for youth aged 12-14 for antlerless elk in the areas in Region 4 that are permit-only special drawing for bulls (HD410 and 417 and other appropriate districts).

Kurt Alt said from a consistency standpoint, perhaps this should be a statewide issue. Doherty agreed it would be distressing to the hunters who possess tags in permit-only areas to have people disturbing the elk prior to opening of the season. It is a legitimate point to talk about the quality of the experience.

Amendment to Motion: Mulligan moved to amend the motion to expand to all special permit areas statewide.

Action: Brenden moved and Workman seconded the motion to table the motion. Motion failed. Two in favor – three opposed. (Brenden and Workman in favor) - (Doherty, Colton, and Mulligan opposed).

Comments from the audience on the original motion (prior to the motion to table it):

Scott Sallee - confused.

Mary Ellen Schnurr – confused about the youth age. “How come 1,200 hunters is not a problem, but kids are”.

Les Towner – thinks attitude is selfish.

Bill Berg – said the proposal with 600 valid tags district-wide will reduce the hunting pressure significantly. Youth hunt is still an unknown.

Jim Brennen – hunting is not necessarily shooting. Trying to teach kids the way to hunt. It’s not right to shove them aside to let adults kill big bulls.

Gary Olson – unethical conduct in Sweetgrass Hills and much wounding of elk.

Colton advised that he has had many contacts from constituents that are unhappy with the youth hunt.

Action on motion: Motion carried. Three in favor – two opposed. (Colton, Mulligan and Doherty in favor) - (Brenden and Workman opposed).

Region 4 - Elk

Eliminate LPT 422 late season.

Action: Mulligan moved and Doherty seconded the motion to approve the Department's recommendation. Motion carried.

Region 5 – Elk

Six recommended changes to the existing regulations. (LPTs to be eliminated or moved to the general season include 500-00, 502-00, 511-00, 510-20, 520-00, 520-20, 560-20, 570-00, 575-00, 580-00, 580-20, 590-00, 590-01, 590-20, 590-21. Others areas include HDs 500, 502, 510, 570, 575, 590, LPT502-20, LPT575-20, HD560, HD580).

Action: Colton moved and Mulligan seconded the motion to approve the Region 5 tentative Elk regulations as recommended by the Department. Motion carried

Region 6 – Elk

One recommended change to the existing regulations. (LPT621-00 and 622-00). Would still be valid during the general season.

Action: Brenden moved and Colton seconded the motion to approve the Region 6 tentative Elk regulations as recommended by the Department with the amendment that HD621 and HD622 allow for a 3-day early season for youth aged 12-14 the same as was done in 2005, and allow 25 permits for a 3-day early hunt for youth aged 12-14 in HD631 and HD632.

Herbert said an appropriate LPT title designation will be inserted for clarification. Bill Berg, CMR Refuge Assistant Manager, asked if numbers could be determined later. Herbert said it would be best to propose 25 as a reference point for public comment.

Action on Motion: Motion carried.

Region 7 – Elk

Four recommended changes to the existing regulations. (LPT590-00, LPT590-20, LPT 798-00, HDs 700 and 701).

Action: Colton moved and Brenden seconded the motion to approve the Region 7 tentative Elk regulations as recommended by the Department. Motion carried.

MOUNTAIN LION

Statewide – Mountain Lion

First statewide issue. Hammond said the archery contingency has asked FWP to consider including archery in the fall lion season. Archery season coincides with general rifle season dates. A prior Commission ordered that archers may not harvest more than twenty percent of a quota in a hunting district. Archers asked why it can't be extended until the beginning of archery season in early September. It would be part of the 20% harvest quota.

Mulligan said part of the rationale of not including archers in the fall lion season is that the former Commission could not see where the bowhunters were at a disadvantage by using a bow during the general season as compared to a rifle. Starting the season at the beginning of archery season actually gave them the advantage over rifle hunters because they would be first and would fill the 20% quota. There was also concern regarding the condition of the lion's coat that early in the year. He still has those concerns.

Action: No motion. Proposal failed.

Second statewide issue. Recommendation: The fall lion season will close with the end of the general season or upon reaching 20% of the quota established for the winter season, or when at least one lion is taken for those Hunting Districts with a quota of less than 5 lions.

Action: Workman moved and Mulligan seconded the motion to include language that states the fall lion season will close with the end of the general season or upon reaching 20% of the quota established for the winter season, or when at least one lion is taken for those Hunting Districts with a quota of less than 5 lions.

Comments from the audience:

Keith Schmitz – determination of sex is difficult or impossible when a lion is in a tree. He asked how FWP determines the percentage of females, and if a female is shot, does that reduce the male quota.

Hammond said shooting the wrong sex is a violation. **Ray Mule', FWP Region 5 Wildlife Manager**, said when lions are treed, you can sex them. Shooting a female does come off the male quota because it is either sex. Schmitz said he could shoot a lion and say it was on the ground and he couldn't tell it was a female. Workman and Mulligan said it is the hunter's responsibility to know before shooting!!

Action on Motion: Motion carried – one opposed (Brenden)

Region 1- Mountain Lion

Initiate a limited-entry lion hunt (permits similar to moose/sheep/goats) for most of Region 1 (except HDs 150, 151, and 170).

Action: Workman moved and Mulligan seconded the motion to approve the Region 1 Mountain Lion regulations as recommended by the Department.

Comments from the audience:

Terry Zink, NW Houndsmen's Assn – does not support a permit system on lions as they feel a permit system will change the residents' opportunity to harvest a lion. Region 1 houndsmen would be forced to go to other regions to hunt and would put their rights at risk. Would not guarantee that massive applications would be put in for anti-hunting groups. Would like to see a female subquota set. A permit system creates trophy areas.

Jim Barone, NW Houndsmen – asked where the idea came from. Workman replied that a variety of people from Region 1 and Region 2 had contacted him requesting that he propose it. Barone said there are many opinions and much passion involved. Permits will take the opportunity from lion hunters. Odds are poor for drawing a tag. Permits should be statewide. If the price is low, everyone will apply.

Barone fears illegal outfitting. His group is willing to pay for additional help with the lion call-in line if that's the problem.

Scott Sallee – opposed to permit system. He is an outfitter but he restricts harvest. There is a problem with overkill in Region 1 but there are non-outfitters hunting and he doesn't feel permits will help. Wants to know how many regions will go to permit system.

John Cargill – is an outfitter. Some people shoot anything that moves. Non-residents need to be dealt with – there is illegal outfitting. Wants the Commission to look at non-residents. Suggested that a cat can only be taken every so many years. It's fun to run the dogs.

Sanford Shrout – against permits in any region. No biological reason that he knows of. Believes that a female subquota in Region 1 would slow the harvest and he would like to see a waiting period of several years between harvesting cats. Permits won't work on private property. One problem as far as quota over-run is the harvest status hotline- it needs updated daily with no exceptions. Needs updated over the weekend. Close the season immediately, and not 24 hours later.

Sandy Keaton – is an outfitter. Twelve-hour closure has helped tremendously from what it was. It's about hunter opportunity, and not about trophies. Lions are still down in Region 3. How do you determine the amount of permits? Permits limit the quotas.

Rod Bullis – thanked Commission for looking into making it better. The Commission has the authority to change permits. He supports the permit system and feels it provides greater opportunity. Permittees will be more selective.

Grover Hedrick – could go either way with permit system. Feels it limits opportunity for people. He likes the waiting period, and if a cat dies, it should come off the quota whether it is killed by a car or however.

Tony Kunche – does not support permits. Cannot see managing mountain lions on a permit system. If you give 6 permits and a quota of 3 you are not achieving the results.

Roland Dean – against permits - permits take the opportunity from him - he might never draw a permit.

Workman stated he had received calls from people who complained about the lack of a quality hunt for lions. He asked the Region 1 and Region 2 supervisors about the pros and cons of permits, and the best thing for the future of mountain lion hunting in Regions 1 and 2 is a permit system. He and FWP staff looked into changing from quota to permit system. As of yesterday, half of the hunting districts were already over quota. Hunters must go the first week of the season because after that, the opportunity disappears. They have to compete with outfitters / non-residents who get the majority of the cats. Hunters are in a race with lion hunters who run the roads starting at 1:00 am in the morning. Workman said there are several people within a family who kill several cats, some of whom put them in their freezer and pull them out later for training dogs. Others do not call in until the last minute when quotas are full. Another reason for a permit system is the disproportionate number of young cats that are put into the quota system. A permit system will make successful hunters wait a few years.

Sandy Seaton – the dragging of cats is illegal and will not be affected by the permit system. Other illegal things are always happening.

Cal Rourk – the system is failing now and there is overkill. Supports the permit system. He agrees with what Workman said. Institute a quota system and use the quota. What FWP determines for quotas is what should be gotten. 100 percent permits would make enforcement easier – and no call-ins. Easier to defend in court, and will limit the “if I don’t kill it, someone else will” mentality. Currently, non-residents can harvest all the quotas. The call-in number has no coverage so why don’t the regulations just state that “we are closed over weekends so don’t bother reporting until Monday”? If there is a timeline, people will take their time and not just shoot anything. Comradery would develop between hunters. Even those who say they don’t kill, but their dogs were there, are in the same category.

Jim Smith – it’s not about killing – it’s about the chase.

Jim Williams, FWP Region 1 Wildlife Manager, said the limited permit proposal is because the demand is more than the supply. After a lot of serious consideration, the reason for this proposal is to bring a biological basis back into the mountain lion population. There are inherent problems with phone systems. Some hunters hold a cat for 11 hours and 45 minutes, which potentially holds the day over.

Mulligan said the interest expressed by the public to go to a permit system justifies going out with a tentative to obtain statewide input.

Workman agrees on the waiting period between killing cats, but feels it needs to wait a couple of years until FWP staff has studied it. He said the specialists gave 100% recommendation to go to the permit system. Workman stated that under the permit system, there will be a broader perspective, and people won’t have to be exposed to the race.

Colton said this is a statewide issue. Doherty suggested that the different sides try to work the issue out. Brenden said the permit system would be easier for the Department to adjudicate and enforce.

Action on Motion: Motion carried. Three in favor – 2 opposed (Brenden and Colton).

Region 2 – Mountain Lion

Hammond said the Region 2 proposal was a melding of permits and quotas and the proposal was to add one or more season-long permit in all 15 hunting districts in Region 2. Commission can change quotas.

Workman asked **Mack Long, FWP Region 2 Supervisor**, to explain his stance on a permit system. Long said his understanding was that Region 2 was being asked to look at what permits would look like throughout the entire Region 2. They did that.

Long said they have talked with houndsmen for years, and that has formed the basis of their recommendation. When FWP looked at region-wide, they found that outfitted nonresidents kill about 27 percent of the lions across the region – non-residents kill 40 percent. They looked at age structure of lions, time of harvest for size of lions killed. In some districts there is the “race” with much competition, and quotas are filled quickly. Several districts are closed the first week. FWP has

reduced quotas by over 200 animals over the last five years. Long said basically 10 percent of houndsmen want to go to total permits, and 15 percent do not want to go to permits. The other 75-80 percent of the houndsmen feel there ought to be some permits so people who want to hunt the entire season can, and at the same time leaving a quota system in place that would not limit opportunity. Consistency is great, but sometimes it just doesn't fit. Region 2 has different geography and more private land than Region 1 that has a lot of public land and different terrain. Lion population has diminished, and needs the opportunity to let it reestablish.

Workman said a number of people complained about the quality of the hunt and with the quota system, it never will be a quality hunt. He also prefers continuity between regions.

Action: Workman moved and Doherty seconded the motion to propose a tentative of a total harvest quota of 85, amended to 98, either-sex lions and 100 percent on the permit draw system to mirror the tentative for Region 1.

Addition to Motion: Long said the minimum time you can close a season is 12 hours and he asked that it be included in the language.

Amendment to Motion: Mulligan amended to include the Department's proposal as one of the alternatives that goes to the public, as well as back to quota (quota, hybrid system and permits to go out to the public) preferred alternative is permit in region 2 and the public can also comment on the other two alternatives.

Comments from the audience:

Cal Rourk – said the lion population took a very serious hit in the Bitterroot. He does not want to see more permits given out than there are quotas. He has a problem with either sex – the population needs the opportunity to come back.

Les Towner - make it more expensive so everyone in the family doesn't apply.

Roland Dean – female quota was generated from open seasons like in Region 1.

Action on Motion: Motion carried.

Region 3 – 7

No recommended changes.

Mulligan said it needs to be noted that there may be consequences, depending on the other two regions, that could result in shortened seasons and over-runs of quotas, and if that happens, it may be necessary to go to permits statewide.

Action: Mulligan moved and Workman seconded the motion to approve the Regions 3 – 7 Mountain Lion regulations as recommended by the Department. Motion carried.

Hammond said the regulations now say 24-hour notice of closure. Long requested they be amended to 12 hours across the state.

Jim Williams said given the 24-hour closure, the Department needs to know by 11:00 am on a given day so under a quota system, it would be closed the next night. The concern is that an extra half day gets included.

Action: Workman moved and Mulligan seconded the motion to propose as a tentative the 12-hour emergency closure rule. Motion carried.

18. Establish a Maximum Number of 5 Antlerless Deer Licenses and 2 Doe/Fawn Antelope Licenses That Can Be Purchased Per Hunter Per License Year – Tentative. There are areas in Montana where people can obtain multiple licenses by purchasing over-the-counter licenses and/or surplus licenses. This year, FWP proposes to limit the B licenses sold to any one individual to 5 antlerless deer and 2 doe/fawn antelope in addition to general license. Without this limitation, it is possible for people to obtain 30 licenses per person, which causes social issues. Additionally, this limit will expand the opportunity for the public to obtain licenses.

Mulligan said he opposed it before, but he has heard from a number of people that are not happy with the unlimited opportunity now. He questioned if the damage hunt a couple of years ago, due to the severe winter in the northeastern part of the state, was limited to 5 in addition to the deer hunt. Would this regulation change restrict what FWP would want to do in that type of situation - does it also apply to game damage situations? Herbert said it would apply, but he and Harold Wentland, FWP Region 6 Wildlife Manager, but did not remember for certain if there was a limit.

Workman asked how many can be sold to an individual if this restricts damage hunts – is this across the board, or just for general season hunting regulations. Herbert said this would apply across the board. Mulligan and Brenden said it should not apply for game damage. Mulligan said he assumes that the streamlining process on damage hunts will allow the department to establish how many, how often, and the ability to set the timeframe on damage hunts. Typically, game damage seasons are established through a different process. Herbert said the game damage season process typically involves a local commissioner and a regional supervisor, and he added that there is more control over sales.

Mulligan said he does not want to see a damage hunt occur where the number of animals that need to be harvested is not achieved due to a 5-tag limit. Herbert said to remember that game damage is also directed at redistributing animals, not necessarily controlling numbers.

Hagener said a stipulation that stated that “the 5-tag limit is the general rule, but there is an exception for game damage” would cover that. FWP had inquiries this year asking how many people buy tags. In researching the records, there were several cases where people had bought over 30 tags from multiple license agents. Those inquiring people questioned if this is realistic – does one person need 30 deer?

Action: Workman moved and Mulligan seconded the motion to establish a maximum number of 5 antlerless deer licenses and 2 doe/fawn antelope licenses that can be purchased per hunter per licenses year with an exception for game damage hunting seasons at the discretion of FWP and the Commission.

Comments from the audience:

Bill Holdorf, Skyline Sportsmen's Club, asked if this applies to both whitetail and mule deer and for does only. Herbert said it applies to both whitetail deer and mule deer and for antlerless only.

John McDunn said 5 is restrictive and 30 is excessive. He and his family shoot 10 at a time; he suggested a limit of shooting 5 at a time.

Action on Motion: Motion carried.

Mulligan stated that he wanted to propose, as a tentative, changing the age limits for youth.

Action: Mulligan moved and Workman seconded the motion to change the current age for the youth elk hunt from ages 12-14 to ages 12-17 wherever youth seasons apply, as a tentative proposal.

Colton and Brenden felt that age 17 is too old – perhaps 16. Workman asked if proposals for youth and senior citizens seasons had ever been proposed. Mulligan said it was discussed at one time, but the objective is to recruit youth into hunting – some youth aren't starting to hunt until around age 15.

Colton has received comments from adults who say the youth hunt is very disruptive, and that often the youth are merely tokens rather than hunters. He suggested that possibly an area be established for youth hunters.

Amendment to Motion: Workman amended the motion to say that anyone over age 70 have the same privileges as the youth hunt.

Bob Lane, FWP Staff Attorney, said the statute provides authority for youth and for persons with disabilities; there is no authority for setting seasons for other categories. Lane said the legislature has provided price breaks for senior citizens.

Action on Amendment to Motion: Workman withdrew his amendment.

Comments from the audience:

Mary Ellen Schnurr, MOGA, spoke in favor of changing the age limit to 17 for youth since many are still living at home.

Action on Motion: Motion carried.

19. Revise Trophy Elk Definition for Restitution Purposes – Tentative. Jim Kropp, FWP Enforcement Division Administrator, said that in 1999, a new statute (MCA 87-1-115) was created to define trophy animals for enhanced restitution for unlawfully taken game animals that are considered trophies. Guidelines to maintain simplicity and minimal training requirements were established to define trophy animals. The procedure for measuring animals to determine trophy status was intended to be a procedure that could be done in the field.

It came to the attention of FWP that this simplified method of measurement was not adequate for enhanced restitution when a 5x5 mule deer buck was illegally shot that met Boone & Crockett measurements but not those of FWP. Other confiscated animals were measured and it was discovered this situation was not an isolated instance. It was decided that a reasonable solution would be to use Boone & Crockett scoring to establish a minimum score for trophy animals that included the criteria of the statute.

The proposal to update the restitution definition for Elk is as follows (three criteria must be met): Elk must have at least 6 points on one antler, a main beam length on each side of at least 43 inches long, an inside spread of at least 36 inches, or any elk with at least one six point antler and having a gross/green Boone & Crockett minimum score of 320 points or greater.

Action: Colton moved and Workman seconded the motion to approve the definition change for trophy animals that elk must have at least 6 points on one antler, a main beam length on each side of at least 43 inches long, an inside spread of at least 36 inches, or any elk with at least one six point antler and having a gross/green Boone & Crockett minimum score of 320 points or greater.

Mulligan asked if the motion included adding the gross/green score to mule deer and whitetail deer as well. Kropp replied that deer are already part of the existing rules.

Lee Carlborn said a trophy animal is in the eye of the beholder. If someone poaches any animal, ticket them. Give them the highest ticket possible.

Kropp said this law was passed to set the penalty higher for anyone who purposely poaches a trophy sized animal. People poach Montana's biggest and best game animals, and we need to send a message that it will not be tolerated.

Action on Motion: Motion carried.

20. 2006 & 2007 Moose, Sheep, Goat, Antelope Seasons, Quotas and Boundaries – Tentative.

MOOSE

Region 1 – Moose

Four recommended changes to the existing regulations. (LPTs 102-00, 105-10, 110-00, 126-00).

Action: Workman moved and Mulligan seconded the motion to approve the Region 1 tentative Moose regulations as recommended by the Department. Motion carried.

Region 2 – Moose

No recommended changes to the existing regulations.

Action: Workman moved and Mulligan seconded the motion to approve the Region 2 tentative Moose regulations as recommended by the Department. Motion carried.

Region 3 – Moose

One recommended change to the existing regulations. (LPT315-10).

Action: Mulligan moved and Workman seconded the motion to approve the Region 3 tentative Moose regulations as recommended by the Department. Motion carried.

Region 4 - Moose

No recommended changes to the existing regulations.

Action: Doherty moved and Mulligan seconded the motion to approve the Region 4 tentative Moose regulations as recommended by the Department. Motion carried

Region 5 – Moose

Two recommended changes to the existing regulations. (HDs 512, 513, and 514).

Action: Mulligan moved and Workman seconded the motion to approve the Region 5 tentative Moose regulations as recommended by the Department. Motion carried.

BIGHORN SHEEP

Region 1 – Bighorn Sheep

One recommended change to the existing regulations. (LPT100-00).

Action: Workman moved and Mulligan seconded the motion to approve the Region 1 tentative Bighorn Sheep regulations as recommended by the Department. Motion carried

Region 2 – Bighorn Sheep

One recommended change to the existing regulations. (LPT210-30).

Action: Workman moved and Mulligan seconded the motion to approve the Region 2 tentative Bighorn Sheep regulations as recommended by the Department. Motion carried

Region 3 – Bighorn Sheep

Two recommended changes to the existing regulations. (LPT380-30, HD381).

Action: Mulligan moved and Workman seconded the motion to approve the Region 3 tentative Bighorn Sheep regulations as recommended by the Department. Motion carried

Region 4 – Bighorn Sheep

No recommended changes to the existing regulations.

Action: Doherty moved and Mulligan seconded the motion to approve the Region 4 tentative Bighorn Sheep regulations as recommended by the Department. Motion carried.

Region 5 – Bighorn Sheep

One recommended change to the existing regulations.

Action: Mulligan moved and Workman seconded the motion to approve the Region 5 tentative Bighorn Sheep regulations as recommended by the Department. Motion carried

Region 6 – Bighorn Sheep

No recommended changes to the existing regulations.

Action: Workman moved and Mulligan seconded the motion to approve the Region 6 tentative Bighorn Sheep regulations as recommended by the Department. Motion carried.

MOUNTAIN GOAT

Region 1 – Mountain Goat

Two recommended changes to the existing regulations. (LPTs 132-00, 133-00).

Action: Workman moved and Mulligan seconded the motion to approve the Region 1 tentative Mountain goat regulations as recommended by the Department. Motion carried.

Region 2 – Mountain Goat

Three recommended changes to the existing regulations. (LPTs 261-00, 270-00, 222-00).

Action: Workman moved and Mulligan seconded the motion to approve the Region 2 tentative Mountain Goat regulations as recommended by the Department. Motion carried.

Region 3 – Mountain Goat

One recommended change to the existing regulations. (LPT313-00).

Action: Mulligan moved and Workman seconded the motion to approve the Region 3 tentative Mountain Goat regulations as recommended by the Department. Motion carried.

Regions 4 and 5 – Mountain Goat

No recommended changes to the existing regulations.

Action: Mulligan moved and Workman seconded the motion to approve the Region 4 and 5 tentative Mountain Goat regulations as recommended by the Department. Motion carried.

ANTELOPE

Clarification on HD900-00 – Begin 900-00 archery equipment only antelope season on a standard date of August 15.

Action: Mulligan moved and Workman seconded the motion to approve the HD900-00 regulation as recommended by the Department. Motion carried

Region 2 – Antelope

No recommended changes to the existing regulations.

Action: Workman moved and Mulligan seconded the motion to approve the Region 2 tentative Antelope regulations as recommended by the Department. Motion carried

Region 3 – Antelope

Five recommended changes to the existing regulations. (HDs 300, 311, 318/329, 80-30, 390).

Action: Mulligan moved and Workman seconded the motion to approve the Region 3 tentative Antelope regulations as recommended by the Department. Motion carried

Region 4 , 6 and 7– Antelope

No recommended changes to the existing regulations.

Action: Mulligan moved and Workman seconded the motion to approve the Region 4, 6, and 7 tentative Antelope regulations as recommended by the Department. Motion carried.

Region 5 – Antelope

One recommended change to the existing region-wide regulations.

Action: Mulligan moved and Workman seconded the motion to approve the Region 5 tentative Antelope regulations as recommended by the Department. Motion carried.

ANTELOPE, SHEEP, BLACK BEAR AND MOOSE – HUNTING BOUNDARY CHANGES

Antelope – Create new HD318 from HDs 318/329

Bighorn Sheep – HD381 and HD500

Moose – HDs 126 and HD513

Action: Workman moved and Mulligan moved to approve the hunting boundary changes as recommended by the Department. Motion carried.

21. 2007 Black Bear Seasons, Quotas & HD Boundaries – Tentative.

Region 1 – 4 – Black Bear

No recommended changes to the existing regulations.

Action: Workman moved and Mulligan seconded the motion to approve the Regions 1 – 4 tentative Black Bear regulations as recommended by the Department. Motion carried.

Region 5 – Black Bear

Clarify language relative to notification requirements and allow for initiation of season closure before the quota is reached in BMUs 510 and 520.

Action: Workman moved and Mulligan seconded the motion to approve the Region 5 tentative Black Bear regulations as recommended by the Department. Motion carried.

Region 7 – Black Bear

Create a new Bear Management Unit (LPT700-00) that includes all of Region 7.

Spring season 4/15 – 5/31 – either sex black bear – quota of 1

Fall season 9/15 – 11/26 – either sex black bear – quota of 1

Action: Mulligan moved and Workman seconded the motion to amend the harvest quota to 2 with notification of closure at 1. Motion carried.

22. Spring and Fall Turkey Seasons – Tentative.

Region 1, 3, 4, 5, 6, 7- Turkey

No recommended changes to the existing regulations.

Action: Workman moved and Mulligan seconded the motion to approve the Region 1,3,4,5,6,7 Turkey tentative regulations as recommended by the Department. Motion carried.

Region 2- Turkey

One recommended change to the existing regulations. (HD285-20/21 in Ravalli County). Change from a permit-only spring gobbler season to an unlimited spring season with licenses issued over-the-counter.

Action: Workman moved and Mulligan seconded the motion to approve the Region 2 tentative Turkey regulations as recommended by the Department. Motion carried.

23. 2005 Game Damage Permit Authorizations – Tentative.

Herbert said the purpose of this authorization is to respond quickly when there are game damage issues. It allows FWP personnel to respond quickly and in a responsible manner. It has worked well in the past for both the complainant and FWP.

Mulligan suggested that given the change to the 5-week season, the number of elk and deer should be doubled. He feels there will be more game damage.

Action: Mulligan moved and Workman seconded the motion to double the number of deer and elk across the board on deer and elk. Motion carried.

Action: Mulligan moved and Workman seconded the motion to approve the tentative Game Damage Permit Authorization Rule with the inclusion of the above amendment to double the numbers. Motion carried.

24. 2006-2007 Biennial Prairie Dog Shooting Rule – Tentative.

No recommended changes to the rule.

Action: Workman moved and Mulligan seconded the motion to approve the 2006-2007 Biennial Prairie Dog Rule as recommended by the Department. Motion carried.

25. Blue Eyed Nellie WMA – North Lily Mining Property – Endorsement.

FWP has the opportunity to acquire two parcels of land, a total of 60 acres, from the North Lily Mining Company. The 40-acre parcel is adjacent to the Blue-eyed Nellie WMA, and the 20-acre parcel is in the immediate vicinity. These two parcels fit in with what the department is already trying to acquire.

The property consists of intermountain grasslands, shrub grasslands, sagebrush, juniper, rabbit brush, Douglas Fir trees, and rocky outcrops. Acquisition of this property would provide ideal habitat for bighorn sheep, mule deer and other wildlife species, would secure access to public lands in the foothills of the Flint Creek Range, and would prevent housing development between the WMA and Forest Service lands. Approximately 120 sheep are using this area at this point in time.

The Foundation for North American Wild Sheep (FNAWS) has expressed interest in serving as a funding intermediary since the mining company wants to act fast. FNAWS and the Anaconda Sportsmen's Club want to participate in the project. Additionally, the Anaconda Sportsmen's Club and FNAWS have committed \$35,000 to the purchase. Assuming that the purchase price will remain at the \$60,000 that has been discussed, the \$35,000 will provide sufficient match dollars. FWP is seeking approval to investigate working with FNAWS to acquire this property as long as our concerns are met.

Action: Workman moved and Mulligan seconded the motion to approve further investigation into the acquisition of the North Lily Mining Company property located near the Blue Eyed Nellie WMA. Motion carried.

26. Public Opportunity to Address Issues Not Discussed at this Meeting.

Daryl Olson, MWF, expressed concern about the ATV use going on. He feels FWP should monitor the ATV usage. It is a major issue and adversely affects hunting. ATV use is not fair chase hunting. FWP should create rules that specify ATVs are to be used only for game retrieval, and guns must be in enclosed scabbards and unloaded. He wants FWP to address the issue of ATVs.

Workman stated that Senator Weinberg had approached him and asked that he begin a discussion on regulations requiring all hunters in the field to pack bear spray. Using bear spray will reduce the potential for hunters to be hurt and bears being killed. Mulligan said he was part of the round table discussion on grizzly bears. He said requiring bear spray was discouraged in that group as not being effective or appropriate.

Workman stated that Camp Make a Dream has asked for a mountain lion tag to be given to a cancer victim. Workman said FWP cannot give out a tag, per state law, so they would have to purchase their own tag. The Commission would have to propose a season within Region 1 for one lion to be given specifically to that cancer victim. Bob Lane, FWP Legal Counsel, said a bill was passed last session to establish a special season for someone with a specific disability, however it would be open to everyone with that specific disability, not only to Camp Make a Dream.

Action: Workman moved and Mulligan seconded the motion to adjourn the meeting. Motion carried.

Meeting adjourned at 5:02 p.m.

Steve Doherty, Chairman

M. Jeff Hagener, Director